United Nations A/68/717

General Assembly

Distr.: General
27 January 2014

Original: English

Sixty-eighth session
Agenda item 108
Crime prevention and criminal justice

Letter dated 22 January 2014 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General

I should be grateful if you would circulate the present letter and its annex, containing the Panama Declaration, adopted at the Seventh Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities, held in Panama City from 22 to 24 November 2013, as a document of the General Assembly, under agenda item 108.

(*Signed*) Pablo Antonio **Thalassinós**
Ambassador
Permanent Representative

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Annex to the letter dated 22 January 2014 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General

Seventh Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities

Panama, 22-24 November 2013

Panama Declaration

We, the representatives of the anti-corruption authorities of 97 Member States of the United Nations and regions, and of eight international organizations, gathered in Panama City for the Seventh Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA), devoted to the "rule of law and anti-corruption: challenges and opportunities",

Recalling General Assembly resolution 58/4, by which the Assembly adopted the United Nations Convention against Corruption and established 9 December as the International Anti-Corruption Day,

Recalling also all relevant United Nations General Assembly and Economic and Social Council resolutions calling for the expeditious ratification and full implementation of the United Nations Convention against Corruption,

Recalling further our Beijing, Bali, Kiev, Macao, Marrakech and Kuala Lumpur Declarations, as well as the recommendations made by the side event of the Conference of the States Parties to the United Nations Convention against Corruption held in Amman and co-organized by the United Nations Office on Drugs and Crime (UNODC) and IAACA,

Aware of the importance of the resolutions adopted by the Conference of the States Parties, at its first, second, third and fourth sessions, held respectively at Amman, Nusa Dua, Doha and Marrakech,

Convinced that relevant government agencies, civil society and relevant professional organizations can individually and collectively make significant contributions to the effective implementation of the United Nations Convention against Corruption,

1. *Express* our gratitude to the National Authority for Transparency and Access to Information of Panama for hosting the Seventh Annual Conference and General Meeting of IAACA, as well as our deepest appreciation to the Government and people of Panama for their warm hospitality;

2. *Also express* our appreciation to the Government of India and in particular, the Central Vigilance Commission for hosting the meeting of the Executive Committee of the Association in New Delhi in April 2013;

3. *Emphasize* the crucial importance of effectively implementing measures supporting and promoting the rule of law in anti-corruption law enforcement, in compliance with the provisions contained in chapters II and III of the United Nations Convention against Corruption as a major obligation and responsibility of

States Parties, as well as a crucial complement to the preventive and criminal law measures of the Convention;

4. *Recognize* that anti-corruption measures can be effectively pursued only in the context of an independent, modern, transparent, fair, efficient and humane criminal justice system based on the rule of law;

5. *Recognize* the key role played by national rule of law institutions such as the prosecution authorities, the judiciary and other law enforcement bodies for the success of the fight against corruption;

6. *Welcome with satisfaction* the fact that 167 countries have ratified or acceded to the United Nations Convention against Corruption, and urge the countries that have not yet done so to expedite the required internal procedures in order to ratify or accede to the Convention as soon as possible, in order to attain the goal of universal adherence to the Convention;

7. *Welcome with appreciation* the important decisions of the Conference of the States Parties in its four sessions held to date, and look forward to further progress in the implementation of its mandate through its fifth session, to be held in Panama City from 25 to 29 November 2013;

8. *Reiterate* our call to the Executive Committee of IAACA, in consultation with the secretariat of the Conference of the States Parties, to seek appropriate ways to establish closer collaboration between IAACA and the Conference of the States Parties in order to enhance the involvement and contribution of IAACA and its members in properly and effectively implementing the recommendations made by the Conference of the States Parties;

9. *Pledge* our full support to the ongoing efforts and welcome the recommendations of the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption, established to overview the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention;

10. *Pledge also* our full support to the ongoing efforts and welcome the recommendations of the Open-ended Intergovernmental Working Group on the Prevention of Corruption, established to advise and assist the Conference of the States Parties in the implementation of its mandate on the prevention of corruption;

11. *Recognize* the continuing and valuable role of UNODC in developing the tools for the second cycle of the review mechanism, such as the updated self-assessment checklist, and support its pilot testing by the Member States in anticipation of the launching of the second review cycle;

12. *Commend* UNODC for its exceptionally effective work and unwavering commitment in serving as the secretariat of the Conference of the States Parties and its subsidiary bodies and in promoting the implementation of the resolutions of the Conference of the States Parties, including its efforts towards the practical and efficient delivery of technical assistance;

13. *Underline* the importance of collecting best practices of the review process accumulated during the first cycle of the review in order both to facilitate

the conduct of the second cycle and to continue to promote the application of best practices;

14. *Take note with appreciation* of the adoption, in November 2012 of the Jakarta Statement on Principles for Anti-Corruption Agencies (see appendix), and invite anti-corruption authorities to consider taking into account these principles in order to promote and strengthen the independence and effectiveness of anti-corruption agencies, consolidate international action against corruption and enable the Conference of the States Parties to maximize its potential and impact;

15. *Reiterate* our call upon all Member States to institute relevant reforms that promote professionalism and effectiveness of anti-corruption authorities in preventing and combating corruption, the independence and integrity of the judiciary and prosecution service as appropriate, the prevention of conflict of interest in public office, freedom of access to information, and transparency and accountability in public administration, as well as to ensure and preserve the functional independence of all relevant anti-corruption authorities, and in this context reiterate our appreciation for the achievements of the network European Partners against Corruption in unanimously adopting universal principles and standards for anti-corruption authorities and encourage all Member States to consider them favourably in their relevant work;

16. *Urge* anti-corruption authorities to proactively promote with their respective Governments and legislative bodies the development and implementation of appropriate legislative amendments in order to ensure that the criminal justice institutions responsible for maintaining the rule of law have sufficient resources and independence to carry out their respective roles effectively and fairly, in line with articles 7, 11, 30 and 36 of the United Nations Convention against Corruption;

17. *Commend* UNODC efforts on supporting Member States, upon request, to increase the efficiency and integrity of the judicial and prosecutorial process, and welcome the implementation guide for article 11 of the United Nations Convention against Corruption, aimed at assisting States in assessing whether their judicial and prosecutorial integrity systems meet the requirements of the Convention;

18. *Urge* Member States, as well as relevant international organizations and financial institutions, on the basis of the principles of shared responsibility and collective global action, to consider providing additional resources to support such efforts, taking into account also the provisions of article 62 of the United Nations Convention against Corruption, in particular paragraph 2 (c);

19. *Express our deepest appreciation* to all relevant international and professional associations, intergovernmental and non-governmental organizations, civil society and the media for raising public awareness of the United Nations Convention against Corruption and the destructive effect of corruption in its many and multifaceted forms, by extending their continuing support and cooperation to IAACA and to the Conference of the States Parties, and underscore the importance of ensuring efficiency and transparency in the operations of the public sector, as well as in its interaction with the private sector;

20. *Express also our appreciation* to the Executive Committee for implementing the initiatives agreed upon in the workplan of the Association, which resulted in the identification of new avenues for enhancing the rule of law in the fight against corruption, generating also a number of new and innovative ideas in

our anti-corruption awareness campaigns and networking platform, request the Executive Committee to devote sufficient resources to ensure that the workplan is implemented fully in an effective, structured and sustained manner and invites the Executive Committee to continue its revision of the workplan, taking into account the results so far achieved, with a view of submitting a revised version at the next annual conference for its approval;

21. *Welcome with great satisfaction* the important contributions and joint initiatives of IAACA members towards the implementation of the workplan, and strongly encourage other members to become fully involved in its further implementation by contributing suggestions or undertaking initiatives, whether individually or jointly with other members and in close collaboration with the IAACA Secretariat, with a view to supporting IAACA in realizing its ultimate goal of promoting the effective implementation of the United Nations Convention against Corruption;

22. *Extend our appreciation* to China for the successful conduct of the fifth IAACA seminar held in June 2013 in Jinan, China, as well as for its continuous support for organizing and hosting such training seminars, and encourage other IAACA members to hold similar training events not only regionally or subregionally but also at the national level;

23. *Express our gratitude and deep appreciation* for the stewardship, leadership and vision demonstrated by the founding and incumbent Presidents of the Association in continuously fostering cooperation and partnership among anti-corruption authorities and with relevant international, regional and national organizations and institutions in furtherance of the anti-corruption cause, and highly commend the Executive Director of UNODC and his staff for providing energetic and highly professional support to the work of the Association;

24. *Decide* that the text of this Declaration should be widely circulated by the relevant anti-corruption authorities in their respective countries and that it should be submitted to the Conference of the States Parties at its fifth session and to the United Nations General Assembly.

Appendix

Jakarta Statement on Principles for Anti-Corruption Agencies

Jakarta, 26 and 27 November 2012

On 26 and 27 November 2012, current and former heads of anti-corruption agencies, anti-corruption practitioners and experts from around the world gathered in Jakarta at the invitation of the Corruption Eradication Commission of Indonesia, the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC) to discuss a set of principles for anti-corruption agencies, to promote and strengthen the independence and effectiveness of anti-corruption agencies.

Among the participants were several heads of anti-corruption agencies and representatives of regional networks, notably the Network of National Anti-Corruption Institutions in West Africa, the South East Asia Parties against Corruption, the Arab Anti-Corruption and Integrity Network, the Southern African Forum against Corruption, the East African Association of Anti-Corruption Authorities and the European Partners against Corruption/European contact-point network against corruption (EPAC/EACN).

Representatives from UNDP, UNODC, the Office of the United Nations High Commissioner for Human Rights and Transparency International took part in the proceedings. The Organization for Economic Cooperation and Development and the World Bank also submitted contributions to the conference.

The participants reviewed and discussed country experiences from around the world, challenges faced by anti-corruption agencies and key requirements to ensure the independence and effectiveness of anti-corruption agencies.

Considering that the conference sought to discuss and elaborate guidance for anti-corruption agencies as to how to promote and strengthen their independence and effectiveness,

Acknowledging the diversity of anti-corruption agencies around the world in combating corruption, with some mandated to prevent corruption, others focused on investigation or prosecution, or a combination of these functions,

Recalling the international commitments and obligations at the regional and global levels, including the United Nations Convention against Corruption, to ensure the independence of anti-corruption agencies,

Recalling the Marrakech Declaration, adopted at the Fifth Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA), in particular, the pledge to provide "joint action and support ... to ensure that anti-corruption authorities ... are able to function with the necessary independence, secure and stable funding and specialized staff with professional training, in order to operate effectively and free from any undue influence, in accordance with articles 6 and 36 of the United Nations Convention against Corruption",

Recalling also resolutions 3/2, 3/3 and 4/4 adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its third and fourth sessions, which acknowledge the "vital importance of ensuring the independence and effectiveness" of anti-corruption agencies,

Taking note with appreciation of the Anti-Corruption Authority Standards developed by EPAC/EACN, as welcomed by the Sixth Annual Conference and General Meeting of IAACA,

Taking note with appreciation of the resolve of the Group of 20 to lead by example by "strengthen[ing] the effective functioning of anti-corruption bodies or enforcement authorities in the prevention and fight against corruption, ... enabl[ing] these authorities to carry out their function free from undue influence",

Taking note with appreciation of the efforts made by Transparency International at the fifteenth International Anti-Corruption Conference in Brasilia to promote the independence and effectiveness of anti-corruption agencies,

The participants:

1. *Recommend* the following principles to ensure the independence and effectiveness of anti-corruption agencies:

- **Mandate**: anti-corruption agencies shall have clear mandates to tackle corruption through prevention, education, awareness-raising, investigation and prosecution, either through one agency or multiple coordinated agencies;
- **Collaboration**: anti-corruption agencies shall not operate in isolation. They shall foster good working relations with State agencies, civil society, the private sector and other stakeholders, including international cooperation;
- **Permanence**: anti-corruption agencies shall, in accordance with the basic legal principles of their countries, be established by proper and stable legal frameworks, such as the Constitution or a special law to ensure continuity of the anti-corruption agencies;
- **Appointment**: heads of anti-corruption agencies shall be appointed through a process that ensures their apolitical stance, impartiality, neutrality, integrity and competence;
- **Continuity**: in the event of suspension, dismissal, resignation, retirement or end of tenure of the head of an anti-corruption agency, all powers shall be delegated by law to an appropriate official in the agency within a reasonable period of time, until the appointment of a new head;
- **Removal**: heads of anti-corruption agencies shall have security of tenure and shall be removed only through a legally established procedure equivalent to the procedure for the removal of a key independent authority specially protected by law (such as the Chief Justice);
- **Ethical conduct**: anti-corruption agencies shall adopt codes of conduct requiring the highest standards of ethical conduct from their staff and a strong compliance regime;
- **Immunity**: heads and employees of anti-corruption agencies shall have immunity from civil and criminal proceedings for acts committed within the performance of their mandate. Heads and employees of anti-corruption agencies shall be protected from malicious civil and criminal proceedings;
- **Remuneration**: employees of anti-corruption agencies shall be remunerated at a level that would allow for the employment of a sufficient number of qualified staff;

- **Authority over human resources**: anti-corruption agencies shall have the power to recruit and dismiss their own staff according to internal clear and transparent procedures;

- **Adequate and reliable resources**: anti-corruption agencies shall have sufficient financial resources to carry out their tasks, taking into account the country's budgetary resources, population size and land area. Anti-corruption agencies shall be entitled to timely, planned, reliable and adequate resources for the gradual capacity development and improvement of their operations and the fulfilment of their mandate;

- **Financial autonomy**: anti-corruption agencies shall receive a budgetary allocation over which they have full management and control without prejudice to the appropriate accounting standards and auditing requirements;

- **Internal accountability**: anti-corruption agencies shall develop and establish clear rules and standard operating procedures, including monitoring and disciplinary mechanisms, to minimize any misconduct and abuse of power;

- **External accountability**: anti-corruption agencies shall adhere strictly to the rule of law and be accountable to mechanisms established to prevent any abuse of power;

- **Public reporting**: anti-corruption agencies shall formally report at least annually on their activities to the public;

- **Public communication and engagement**: anti-corruption agencies shall communicate and engage with the public regularly in order to ensure public confidence in their independence, fairness and effectiveness;

2. *Encourage* anti-corruption agencies to promote the above principles within their respective agencies, countries and regional networks;

3. *Encourage* anti-corruption agencies to promote these principles to assist members of the executive and the legislature, criminal justice practitioners and the public in general to better understand and support anti-corruption agencies in carrying out their functions;

4. *Call upon* anti-corruption agencies to appeal to their respective Governments and other stakeholders to promote the above principles in international forums on anti-corruption;

5. *Express* appreciation and gratitude to the Corruption Eradication Commission of Indonesia for hosting the international conference on principles for anti-corruption agencies, with support from UNDP and UNODC, to reflect and agree on principles for anti-corruption agencies.